



FEDERAL ELECTION COMMISSION

Washington, D.C. 20463

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2 **TO:** The Commission

3
4 **FROM:** Daniel A. Petalas *DAP*
5 Acting General Counsel

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7 Peter G. Blumberg *PB by gaw*
8 Assistant General Counsel

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10 Ana J. Peña-Wallace *APW*
11 Attorney

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13 **SUBJECT:** MUR 6498 (Lynch for Congress)

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15 **RE:** Office of the General Counsel's Notice to the Commission Following the
16 Submission of Probable Cause Brief
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20 On July 1, 2015, the Office of the General Counsel ("OGC") notified counsel for Edward
21 J. Lynch and Lynch for Congress and Edward J. Lynch in his official capacity as treasurer
22 ("Committee") that it was recommending that the Commission find probable cause to believe
23 that Lynch knowingly and willfully violated 52 U.S.C. § 30114(b) and that the Committee
24 knowingly and willfully violated 52 U.S.C. §§ 30104(b) and 30114(b), by using Committee
25 funds to pay for personal expenses and by misreporting or failing to report transactions.¹ OGC
26 included with this notification a General's Counsel's Brief setting forth the factual and legal
27 basis for the recommendation.²
28

29 Counsel for the Respondents received the General Counsel's Brief on July 16, 2015.³
30 Therefore, the Respondents' Reply Brief, if any, was due July 31, 2015.⁴ On July 20, 2015,
31 counsel informed OGC that he had provided the General Counsel's Brief to Lynch. OGC then

¹ See 52 U.S.C. § 30109(a)(3), 11 C.F.R. § 111.16(a); see also Agency Procedure Following the Submission of Probable Cause Briefs by the Office of General Counsel, 76 Fed. Reg. 63, 570 (Oct. 13, 2011).

² A copy of the brief was circulated to the Commission informationally on July 8, 2015.

³ Counsel notified us that he received the packet that day, and tracking information from the U.S. Postal Service confirms that it was delivered on that day.

⁴ See 52 U.S.C. § 30109(a)(3) (providing 15 days to reply).

1 engaged in several telephone conversations with counsel to explain the enforcement and
2 probable cause process, to inform him of the July 31, 2015 date for any responsive filing, and to
3 discuss the availability of other options for resolving the MUR in response to counsel's inquiries.
4 Following those discussions, the Respondents failed to submit a Reply Brief. We inquired with
5 counsel and were informed by e-mail on August 5, 2015 that he had withdrawn from his
6 representation of Lynch and the Committee.⁵

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8 No new information has been presented in this matter that would affect the arguments in
9 the General Counsel's Brief. Thus, pursuant to the *Agency Procedure Following the Submission*
10 *of Probable Cause Briefs by the Office of General Counsel*, OGC is hereby notifying the
11 Commission that it intends to proceed with the recommendation to find probable cause to believe
12 that the Respondents knowingly and willfully violated 52 U.S.C. §§ 30104(b) and 30114(b)
13 based on the factual and legal analysis set forth in the General Counsel's Brief.
14

15 A copy of this Notice is being provided to the Respondents at the same time that it is
16 circulated to the Commission.
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18 **RECOMMENDATION**
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20 Find probable cause to believe that Edward J. Lynch knowingly and willfully violated
21 52 U.S.C. § 30114(b) and that Lynch for Congress and Edward J. Lynch in his official capacity
22 as treasurer knowingly and willfully violated 52 U.S.C. §§ 30104(b) and 30114(b).

⁵ E-mail from Walter A. Reynoso, Counsel to Edward J. Lynch (Aug. 5, 2015, 11:50 EST).